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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMMITTEE ON JOBS CANDIDATE
ADVOCACY FUND, et al.,

Plaintiffs,

vs.

DENNIS J. HERRERA, in his official
capacity as City Attorney of the City and
County of San Francisco, et al.,

Defendants.

Case No. C-07-3199 JSW

**STIPULATION AND [PROPOSED]
ORDER STAYING LITIGATION
PENDING APPEAL IN SAN JOSE
SILICON VALLEY CHAMBER OF
COMMERCE PAC v. CITY OF SAN JOSE
(USCA Dkt. 06-17001)**

Date: November 2, 2007
Time: 1:30 p.m.
Courtroom: 2, 17th Fl.
Judge: Hon. Jeffrey S. White

RECITALS

A. On August 10, 2007, Plaintiffs Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure PAC (“Plaintiffs”) moved for a Preliminary Injunction (“Motion”) to enjoin Defendants Dennis J. Herrera, in his official capacity as City Attorney of the City and County of San Francisco, Kamala D. Harris, in her official capacity as District Attorney of the City and County of San Francisco, the San Francisco Ethics Commission of the City and County of San Francisco, and the City and County of San Francisco (collectively, “Defendants”) from enforcing Sections 1.114(c)(1) and 1.114(c)(2) of the San Francisco Campaign Finance Reform Ordinance (“CFRO”), codified in the San Francisco Campaign and Governmental Conduct Code, and Regulation 1.114-2 of the Regulations to the CFRO. Dkt. 11-15, 28-30.

B. Defendants opposed the Motion. Dkt. 19-23.

C. The Court issued a Notice of Tentative Ruling and Questions (Dkt. 31) and then held oral argument on the Motion on September 17, 2007. Dkt. 35.

D. On September 20, 2007, the Court entered an Order Granting Plaintiffs’ Motion for Preliminary Injunction. Dkt. 37 (“Order”). The Order by its terms “shall remain in effect until dissolved by further order of this Court.” Order at 9:12-13.

E. This issues presented by this case are in some respects similar to those presented by *San Jose Silicon Valley Chamber of Commerce Political Action Committee v. City of San Jose*, No. C-06-04252-JW, 2006 WL 3832794 (N.D. Cal. Sept. 20, 2006) (“*COMPAC*”), in which Judge Ware invalidated City of San Jose’s ordinance limiting contributions to independent expenditure committees and enjoined its enforcement.

F. Defendants in *COMPAC* have appealed Judge Ware’s ruling to the Ninth Circuit. That appeal (the “*COMPAC* Appeal,” USCA Dkt. 06-17001) is fully briefed and awaiting oral argument. The outcome of the *COMPAC* Appeal is likely to provide significant guidance for further proceedings in this case.

G. Given the status of the *COMPAC* appeal, Plaintiffs and Defendants believe

1 that, in the interests of judicial economy, it would be best to stay further proceedings in this
2 case, leaving the Order in place, until the Ninth Circuit rules on the *COMPAC* appeal, after
3 which the parties and the Court can evaluate and discuss how best to proceed with this case.

4 **STIPULATION**

5 Plaintiffs and Defendants, by and through their respective counsel, hereby stipulate
6 as follows and request that the Court enter an order embodying this stipulation:

7 1. All proceedings in this action shall be stayed until further order of the Court.

8 2. The initial case management conference currently set for November 2, 2007
9 shall be taken off calendar, to be reset on a date satisfactory to the Court after the Ninth
10 Circuit panel's decision in the *COMPAC* Appeal.

11 3. Within thirty days after the Ninth Circuit panel's decision in the *COMPAC*
12 appeal, the parties shall meet and confer and then file a Notice of Ruling and Request for
13 Case Management Conference, which shall set forth the parties' proposed next steps for this
14 litigation.

15 4. During the pendency of the stay, the Order shall remain in effect.

16 Dated: October 25, 2007.

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27 By /s/ Ann M. O'Leary
28 Ann M. O'Leary
Attorneys for Defendants

1 Dated: October 25, 2007.

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11 By /s/ Bruce A. Ericson
12 Bruce A. Ericson

13 Attorneys for Plaintiffs

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15 **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

16 I, MARC H. AXELBAUM, hereby declare pursuant to General Order 45, § X.B,
17 that I have obtained the concurrence in the filing of this document from the other signatory
18 listed above.

19 I declare under penalty of perjury that the foregoing declaration is true and correct.

20 Executed on October 25, 2007, at San Francisco, California.

21 /s/ Marc H. Axelbaum
22 Marc H. Axelbaum
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[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing,

IT IS HEREBY ORDERED that:

1. All proceedings in this action are hereby **STAYED**.

2. The Initial Case Management Conference currently set for November 2, 2007 is hereby taken off calendar.

3. Within thirty days of the Ninth Circuit panel's decision in *San Jose Silicon Valley Chamber of Commerce Political Action Committee v. City of San Jose*, USCA Dkt. 06-17001 (9th Cir.), the parties shall meet and confer and then file a Notice of Ruling and Request for Case Management Conference, which shall set forth the parties' proposed next steps for this litigation.

4. Unless otherwise ordered by the Court, the Order Granting Plaintiffs' Motion for Preliminary Injunction (Dkt. 37) shall remain in effect during the pendency of the stay.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Jeffrey S. White
United States District Judge